IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WA.No. 46 of 2007()

AGAINST THE ORDER IN WPC.32292/2006 Dated 18/12/2006
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APPELLANT: 1ST RESPONDENT

MUNNAR GRAMA PANCHAYATH,
MUNNAR, REPRESENTED BY ITS SECRETARY.

BY ADV. SMT.AYSHA YOUSEFF, SC, MUNNAR G.PANCHAY
SMT.MOLLY JACOB, SC, MUNNAR G.PANCHAYAT

RESPONDENTS: PETITIONER & RESPONDENTS 2 TO 6
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1. YOUSEFF LABBA,
THOBIPALAM, CHITHIRAPURAM, P.O.DEVIKULAM TALUK,
IDUKKI DISTRICT, REPRESENTED BY HIS POWER OF
ATTORNEY, SRI. SHOJAN K.R., S/O. RAPPAI K.K.,
KOKKANDAN HOUSE, MANNAMPITTA P.O.,
VATTANATHARA, TRICHUR DISTRICT.

2. DISTRICT COLLECTOR, IDUKKI.

3. TAHSILDAR, DEVIKULAM.

4. SPECIAL TAHSILDAR (L.A.), DEVIKULAM.

5. VILLAGE OFFICER,
K.D.H. VILLAGE, DEVIKULAM.

6. THE EXPERT COMMITTEE FOR UNEARTHING
BOGUS PATTAYAMS, CIVIL STATION,
PAINAVU, IDUKKI.

R2 TO R5 BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ALONG WITH W.A.NO.48/2007 ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & M.RAMACHANDRAN, J.

W.A. Nos. 46 & 48 of 2007

Dated, this the 8th day of January, 2007

JUDGMENT

V.K.Bali,C.J.(Oral)

By this common order we propose to dispose of two connected writ appeals. These appeals have been filed against an interim order. During the pendency of the writ petitions the learned Single Judge has permitted the original petitioners to make construction, but it has been clearly mentioned that the same would be on filing an undertaking in the form of an affidavit before this Court agreeing to demolish whatever constructions they make on the strength of the provisional permit obtained by them if the result of the writ petition goes against them. It has also been clarified that the petitioners will not be eligible for equity only on account of the reason that they were permitted by this Court to carry on constructions.

2. The construction is thus exclusively at the risk of the petitioners who have necessarily to demolish at their own cost whatever constructions they might have made if the writ petition

is dismissed. We are of the view that the rights of the parties have been amply taken care of by the learned Single Judge. We only clarify that if the petitioners may not demolish the constructions made in the event of the writ being dismissed the Panchayat would be at liberty to demolish the same at the cost of the petitioners. In view of the nature of the controversy, however, we order the office to list the writ petitions for final hearing before the learned Single Judge in the first week of February, 2007. The parties would complete their pleadings by that time. Once the cases are listed as ordered by this Court, the learned counsel for the parties shall make a request before the learned Judge for an early disposal of the cases.

The writ appeals are disposed of accordingly

V.K. BALI,
CHIEF JUSTICE.

M.RAMACHANDRAN,
JUDGE.

vns